



General Assembly

Substitute Bill No. 6327

January Session, 2011

* ____HB06327FIN__041811____ *

AN ACT CONCERNING THE ENHANCED EMERGENCY 9-1-1 PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-256g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2012*):

3 (a) By June first of each year, the Department of Public Utility
4 Control shall conduct a proceeding to determine the amount of the
5 monthly fee to be assessed against each subscriber of: (1) Local
6 telephone service, (2) commercial mobile radio service, as defined in 47
7 CFR Section 20.3, and (3) voice over Internet protocol service, as
8 defined in section 28-30b, as amended by this act, [and (4) prepaid
9 wireless telephone service, as defined in section 28-30b,] to fund the
10 development and administration of the enhanced emergency 9-1-1
11 program. The department shall base such fee on the findings of the
12 Commissioner of Public Safety, pursuant to subsection (c) of section
13 28-24, taking into consideration any existing moneys available in the
14 Enhanced 9-1-1 Telecommunications Fund. The department shall
15 consider the progressive wire line inclusion schedule contained in the
16 final report of the task force to study enhanced 9-1-1
17 telecommunications services established by public act 95-318. The
18 department shall not approve any fee greater than fifty cents per
19 month per access line nor shall it approve any fee that does not include

20 the progressive wire line inclusion schedule.

21 (b) Each telephone or telecommunications company providing local
22 telephone service, each provider of commercial mobile radio service [,
23 each provider of prepaid wireless telephone service] and each provider
24 of voice over Internet protocol service shall assess against each
25 subscriber, the fee established by the department pursuant to
26 subsection (a) of this section, which shall be remitted to the [Office]
27 office of the State Treasurer for deposit into the Enhanced 9-1-1
28 Telecommunications Fund established pursuant to section 28-30a, as
29 amended by this act, not later than the fifteenth day of each month.

30 (c) The fee imposed under this section shall not apply to any
31 prepaid wireless telecommunications service, as defined in section 28-
32 30b, as amended by this act.

33 Sec. 2. Subsection (a) of section 28-30a of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective*
35 *January 1, 2012*):

36 (a) There is established a fund to be known as the "Enhanced 9-1-1
37 Telecommunications Fund". The fund shall contain any moneys
38 required by law to be deposited in the fund, including, but not limited
39 to, any federal funds collected pursuant to subsection (d) of section 28-
40 24 and fees assessed against subscribers of local telephone service,
41 [and] subscribers of commercial mobile radio services [,] pursuant to
42 section 16-256g, as amended by this act, and revenues from the
43 prepaid wireless E 9-1-1 fee imposed pursuant to section 4 of this act.
44 The Enhanced 9-1-1 Telecommunications Fund shall be held separate
45 and apart from all other moneys, funds and accounts. Interest derived
46 from the investment of the fund shall be credited to the assets of the
47 fund. Any balance remaining in the fund at the end of any fiscal year
48 shall be carried forward in the fund for the fiscal year next succeeding.

49 Sec. 3. Section 28-30b of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective January 1, 2012*):

51 As used in sections [28-30b to 28-30d, inclusive] 28-30a, 28-30b and
52 28-30d, as amended by this act, and sections 4 to 6, inclusive, of this
53 act:

54 (1) ["Active prepaid wireless telephone service" means a prepaid
55 wireless telephone service that has an account that has a positive
56 balance greater than or equivalent to the fee to fund the enhanced
57 emergency 9-1-1 program pursuant to section 16-256g.] "Consumer"
58 means a person who purchases prepaid wireless telecommunications
59 in a retail transaction.

60 (2) "Prepaid wireless E 9-1-1 fee" means the charge that any seller
61 collects from a consumer in an amount established by section 4 of this
62 act.

63 [(2)] (3) "Prepaid wireless [telephone] telecommunications service"
64 means a wireless telephone service that [is activated in advance by
65 payment for a finite dollar amount of service or for a finite set of
66 minutes that terminate either upon use by a subscriber and delivery by
67 the wireless provider of an agreed upon amount of service
68 corresponding to the total dollar amount paid in advance or within a
69 certain period of time following the initial purchase or activation,
70 unless additional payments are made] a consumer pays for in advance
71 and that allows the consumer to access the E 9-1-1 system by dialing 9-
72 1-1. Such service is sold in predetermined units of minutes or dollars
73 and such units of minutes or dollars decline with use.

74 [(3)] (3) "Mobile telephone number" or "MTN" means the telephone
75 number assigned to a wireless telephone at the time of activation.]

76 (4) "Provider" means any person who provides prepaid wireless
77 telecommunications service pursuant to a license issued by the Federal
78 Communications Commission.

79 (5) "Retail transaction" means a purchase of prepaid wireless
80 telecommunications service from a seller for any purpose other than
81 resale.

82 (6) "Seller" means a person who sells prepaid wireless
83 telecommunications service to a consumer.

84 ~~[(4)]~~ (7) "Voice over Internet protocol service" or "VOIP" means a
85 service that has the following characteristics: (A) Enables real-time,
86 two-way voice communication; (B) requires a broadband connection
87 from the users' locations; (C) requires IP-compatible customer
88 premises equipment; and (D) allows subscribers generally to receive
89 calls that originate on the public switched telephone network and to
90 terminate calls on the public switched telephone.

91 ~~[(5)]~~ (8) "Voice over Internet protocol service provider" or "VOIP
92 service provider" means a company that provides VOIP telephone
93 service.

94 (9) "Wireless telecommunications service" means commercial mobile
95 radio service as defined in 47 CFR Section 20.3, as from time to time
96 amended.

97 Sec. 4. (NEW) (*Effective January 1, 2012*) (a) Each consumer shall be
98 assessed a prepaid wireless E 9-1-1 fee. Such fee shall be fifty cents for
99 each retail transaction.

100 (b) Any seller conducting a retail transaction within this state with a
101 consumer shall collect the fee described in subsection (a) of this section
102 from such consumer. The seller shall disclose to the consumer the
103 amount of such fee assessed in an invoice, a receipt, or other similar
104 document, or by some other manner.

105 (c) For the purposes of subsection (b) of this section, a retail
106 transaction made in the presence of the consumer at the place of
107 business of the seller shall be treated as occurring in this state if such
108 place of business is within the state, and any other retail transaction
109 shall be treated as occurring in this state if the retail transaction is
110 treated as occurring in this state under subdivision (2) of subsection (a)
111 of section 12-407 of the general statutes for the purposes of the sales
112 and use tax.

113 (d) The consumer shall be liable for any prepaid wireless E 9-1-1 fee.
114 There shall be no liability on the part of the seller or provider, except
115 the seller shall be liable to remit any prepaid wireless E 9-1-1 fees that
116 the seller collects from any consumer, as provided in section 5 of this
117 act, including, but not limited to, any such fee that the seller collects
118 but does not separately state on an invoice, receipt, or other similar
119 document provided to the consumer, as required by subsection (b) of
120 this section.

121 (e) The amount of the prepaid wireless E 9-1-1 fee that a seller
122 collects from a consumer shall not be included in the base for
123 measuring any tax, fee, surcharge, or other charge that the state, any
124 political subdivision of the state, or any intergovernmental agency
125 imposes on such seller, provided the seller separately stated such
126 amount in an invoice, receipt, or other similar document provided to
127 the consumer.

128 Sec. 5. (NEW) (*Effective January 1, 2012*) Any seller who collects a
129 prepaid wireless E 9-1-1 fee shall remit such fee to the office of the
130 State Treasurer for deposit into the Enhanced 9-1-1
131 Telecommunications Fund established pursuant to section 28-30a of
132 the general statutes, as amended by this act, not later than thirty
133 calendar days after such fee is collected. A seller who collects a prepaid
134 wireless E 9-1-1 fee may retain one per cent of such fee.

135 Sec. 6. (NEW) (*Effective January 1, 2012*) (a) No provider or seller of
136 prepaid wireless telecommunications service shall be liable for
137 damages to any person resulting from or incurred in connection with
138 the provision of, or failure to provide, 9-1-1 or E 9-1-1 service, or for
139 identifying, or failing to identify, the telephone number, address,
140 location, or name associated with any person or device that is
141 accessing or attempting to access 9-1-1 or E 9-1-1 service.

142 (b) No provider or seller of prepaid wireless telecommunications
143 service shall be liable for damages to any person resulting from or
144 incurred in connection with the provision of any lawful assistance to

145 any investigative or law enforcement officer of the United States, this
 146 or any other state, or any political subdivision of this or any other
 147 state, in connection with any lawful investigation or other law
 148 enforcement activity by such law enforcement officer.

149 Sec. 7. Section 28-30c of the general statutes is repealed. (*Effective*
 150 *January 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2012</i>	16-256g
Sec. 2	<i>January 1, 2012</i>	28-30a(a)
Sec. 3	<i>January 1, 2012</i>	28-30b
Sec. 4	<i>January 1, 2012</i>	New section
Sec. 5	<i>January 1, 2012</i>	New section
Sec. 6	<i>January 1, 2012</i>	New section
Sec. 7	<i>January 1, 2012</i>	Repealer section

PS *Joint Favorable Subst. C/R*

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